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Counsel for Defendant LOPEZ ARRELLANO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

V.

NICANDRO LOPEZ  
ARRELLANO,

Defendant.

No. CR 07-0556 MMC

## SENTENCING MEMORANDUM

Honorable Maxine M. Chesney  
November 28, 2007  
2:30 p.m.

**ARGUMENT**

Defendant Nicandro Lopez Arrellano is pleased to join the recommendation of the U.S. Probation Office for a sentence of 57 months, representing the low end of the advisory guideline range resulting from an Adjusted Offense Level of 21 and Criminal History Category IV. As recounted in the Presentence Report, Mr. Lopez Arrellano has a troubled background, including prior acts of violence resulting in one prior adult felony conviction, as well as what seem to be significant mental deficits, which manifested early on as a learning disability and has also recently included memory loss and difficulty following the questions posed by the U.S. Probation Officer, that may be the result of "substance abuse and/or organic brain damage." PSR Recommendation at 1-2.

Mindful of the statutory mandate that "[t]he court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes" of sentencing, 18 U.S.C. § 3553(a), Mr. Lopez Arrellano respectfully requests that the Court follow the recommendation of the U.S. Probation Office and sentence him to 57 months imprisonment.

Dated: November 20, 2007

Respectfully submitted,

BARRY J. PORTMAN  
Federal Public Defender

/S/

DANIEL P. BLANK  
Assistant Federal Public Defender